

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

November 20, 2006

A meeting of the Manistee City Zoning Board of Appeals was held on November 20, 2006 at 5:30 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Bill Kracht, Mark Hoffman, Marlene McBride, John Perschbacher

ALTERNATES PRESENT: Linda Albee, ~~Mark Hoffman~~ *Craig Schindlbeck*

OTHERS PRESENT: Mary Lou and Earl Racine Jr. (282 Twelfth Street), Jim Nordlund Jr. (Nordlund & Associates), Ross Pope (Manistee G.B., LLC), Jon Rose (Community Development Director), and Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 5:34 p.m. by Chairman Perschbacher

PUBLIC HEARING:

Manistee G.B., LLC (Goodwill Retail Store) - 282 Twelfth Street:

A Public Hearing is being held in response to a request from Manistee G.B. LLC for a Goodwill Store to be located at 282 Twelfth Street (former Rich's Daisy A Day). They are requesting a variance to reduce the front yard set back on Twelfth Street from 30 feet to 20 feet to construct an addition on the rear of the building.

Ross Pope and Jim Nordlund Jr. presented the request to the members of the Zoning Board of Appeals. They have an offer to purchase contingent upon receiving all necessary approvals. The site has elevation issues that make the construction of the addition difficult in any other location. Pictures of the Truck Dock and Compactor from the Ludington Goodwill Store were given to the members for review. The change in elevation from Twelfth Street to the proposed addition is approximately 15% and would not provide practical access to the site. Trucks will pick up or drop off at the site one to three times per week. The trucks typically do not come during retail store hours. The proposed curb cut on U.S. 31 only allows "right turn in" "right turn out" to the site. Access lanes inside the site are 24' feet wide to allow easy flow of traffic.

Jon Rose read his review of the request and said that this variance became necessary when the new ordinance was adopted in March. It changed the front yard set back from only being located on U.S. 31 to any street frontage. This request is reasonable considering the unique topography of the site.

There being no further discussion the Public Hearing Closed at 5:51 p.m.

APPROVAL OF MINUTES:

Minutes - February 9, 2006:

MOTION by Ray Fortier, supported by Mark Hoffman that the minutes from the February 9, 2006 Zoning Board of Appeals meeting be approved.

MOTION PASSED UNANIMOUSLY

BUSINESS SESSION:

Action on Pending Case:

Manistee G.B., LLC (Goodwill Retail Store) - 282 Twelfth Street

A Public Hearing was held earlier in response to a request from Manistee G.B. LLC for a Goodwill Store to be located at 282 Twelfth Street (former Rich's Daisy A Day). They are requesting a variance to reduce the front yard set back on Twelfth Street from 30 feet to 20 feet to construct an addition on the rear of the building.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
Yes Fortier, Kracht, McBride, Hoffman, Perschbacher
No None
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
Yes McBride, Hoffman, Kracht, Fortier, Perschbacher
No None

3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
Yes Kracht, McBride, Hoffman, Fortier, Perschbacher
No None
4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
Yes Hoffman, Fortier, McBride, Kracht, Perschbacher
No None
5. The requested variance shall relate only to property that is under control of the applicant.
Yes Fortier, Kracht, McBride, Hoffman, Perschbacher
No None
6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
Yes Kracht, Fortier, McBride, Hoffman, Perschbacher
No None
7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
Yes Kracht, Fortier, McBride, Hoffman, Perschbacher
No None
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
Yes Fortier, Kracht, McBride, Hoffman, Perschbacher
No None

Special Conditions. The foregoing basic conditions were satisfied, a variance may be granted when the following special condition was clearly demonstrated:

Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

Yes Kracht, McBride, Hoffman, Fortier, Perschbacher
No None

MOTION by Ray Fortier , seconded by Mark Hoffman that the request from Manistee G.B. LLC for a Goodwill Store for a variance to reduce the front yard set back on Twelfth Street from 30 feet to 20 feet to construct an addition be approved.

With a roll call vote this motion passed 5 to 0.

Yes: Kracht, McBride, Hoffman, Fortier, Perschbacher
No: None

Old Business:

By-Law Review and Approval:

Members reviewed the proposed changes the By-Laws and requested that additional language be added to Section 3.13 Conflict of Interest.

Draft language would read:

3. Nothing in the above shall preclude a member from recusing him or herself from the board due to a conflict and participating as a member of the public.

The members of the Zoning Board of Appeals have scheduled a meeting for January 11, 2007 at 5:30 p.m. for Election of Officers and approval of the By-Laws.

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

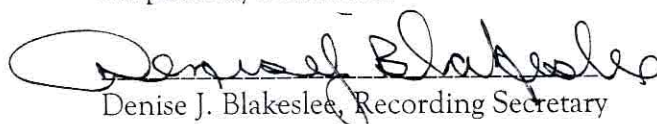
None

ADJOURNMENT:

There being no further business meeting motion by Bill Kracht, seconded by Ray Fortier that the meeting be adjourned.

Meeting adjourned at 6:45 p.m.

Respectfully Submitted


Denise J. Blakeslee, Recording Secretary